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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,340	07/11/2003	Roland Albert	071308.0447	5245
31625	7590	04/27/2005	EXAMINER	
BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			PANG, ROGER L	
		ART UNIT		PAPER NUMBER
				3681

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/618,340	ALBERT, ROLAND	
	Examiner	Art Unit	
	Roger L Pang	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 March 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11, 16 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) 16 and 19-26 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

The following action is in response to the amendment filed for application 10/618,340 filed on March 3, 2005.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

Claims 1-26 are objected to because of the following informalities: the amendment does not appear to be in proper form, as some deleted words have been lined through, while others seem to be double bracketed. It is suggested that applicant use a consistent strike through on words intended to be deleted from the previous amendment. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorum in view of Loibl. With regard to claims 1, and 10, Thorum teaches a hydraulic motor vehicle gearbox control device comprising a hydraulic distribution plate 30 having channels 32 therethrough for the distribution of hydraulic fluid to cool circuit electronics 34 of an electric control unit 16 housed on said plate, said plate having electric conductors embedded therein, and

/or metallized on the surface thereof (Fig. 7B). Thorum lacks the teaching of said distribution plate being constructed of plastic. Loibl teaches a hydraulic distribution plate 30 that is constructed of plastic (Col. 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Thorum to employ a plastic hydraulic distribution plate in view of Loibl since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended sued as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. With regard to claim 2, Thorum teaches the device, wherein the conductors embedded in the hydraulic distribution plate are encapsulated or sprayed metal wires, pins, strips or punched latices (page 2). With regard to claims 3 and 11, Loibl teaches the device, wherein the hydraulic distribution plate is configured as an injection molded MID circuit support (Col. 2). With regard to claim 5, Thorum teaches the device, wherein the conductors extend between an electronic control unit module secured on the hydraulic distribution plate and a gearbox connector 68 attached to the distribution plate.

Claims 4, 6, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorum in view of Loibl as applied to claim 1 above, and further in view of Nassar. With regard to claim 4, Throum teaches the device, wherein the conductors extend between an electronic control unit module secured on the hydraulic distribution late and valves, but lacks the specific teaching of said valves comprising a solenoid valve. Nassar teaches an electronic control unit 30 connected to at least one solenoid valve 104 for a hydraulic control system. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Thorum to employ solenoid valves in further view Nassar, in order to have precise controls of the gearbox valves. With regard to claim 6, Thorum teaches the device, wherein the electronic control unit

module is in contact with eth electric conductors via a flexible circuit board (page 2). With regard to claim 7, Thorum teaches the device, wherein a channel 32 is arranged for hydraulic fluid in the hydraulic distribution plate adjacent to the electronic control unit module (Fig. 1). With regard to claim 9, Thorum teaches the device, wherein a section of the surface 28 of the hydraulic distribution plate forms the base plate of the electronic control unit module, and a circuit support of the electronic control unit module is secured directly onto this section of the surface the hydraulic distribution plate (Fig. 7b).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thorum in view of Loibl, in further view of Nassar as applied to claim 4 above, and further in view of Clamp. Thorum teaches the device wherein the distribution plate also comprises a base plate 28 adapted for receipt of the electronic control, but lacks the teaching of said base plate being metal. Loibl teaches the device, wherein the electronic control unit module has a metal base plate 10 which is cast in they hydraulic distribution plate (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Thorum to employ a metal base plate in view of Loibl since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended sued as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Thorum also teaches said base plate being cast into the hydraulic distribution plate. Clamp teaches a cooling unit wherein a means of attachment includes casting (Col. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Thorum to employ casting in further view of Clamp, in order to maintain a more secure method of attachment.

Allowable Subject Matter

Claims 16, and 19-26 are allowed (once the minor informalities are corrected (cited in claim objections above).

Response to Arguments

With regard to the Thorum reference, applicant argues that there is no teaching of conductors being embedded in and/or metallized on the plate. Applicant is directed to parts 38A of Figures 3A-B, as these are disclosed as circuit traces,. Said traces are also located on and embedded in the plate 30, in the embodiment disclosed in Figure 7B. Applicant's arguments have been considered, but are not persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roger L Pang
Primary Examiner
Art Unit 3681

April 25, 2005